

1 right of the accused, because a large number of accused,
2 when they are tried for the offense after having spent
3 months in jail waiting trial, the issue is a complete
4 nullity because the court ends up giving them time served
5 if they are guilty and if they are not guilty they have
6 been punished anyway.

7 This issue is far more important in our modern-
8 day context of criminal justice than the old-fashioned and
9 traditional rights which, without dissent and by acclama-
10 tion we agreed to put in the Constitution.

11 We don't need a right to counsel. The system
12 of justice will take care of that. We don't need a public
13 trial. I am sure we will have public trials day in and day
14 out, whether or not the Constitution calls for them or not.
15 We definitely need a principle in the Constitution that
16 entitles the presumption of innocence to have meaning and
17 which states that people cannot be punished until and
18 unless they have been found guilty under the elaborate
19 procedures which we, without argument, state belong in the
20 Constitution.

21 I would point out we have had experience in the